types of analyses, the Commission has consistently allowed computers and computing devices that have been tested in a "typical configuration" to be integrated into various system combinations without further testing.[26]

The proposal to extend this analysis down to the component level simply recognizes the reality of the personal computer marketplace; computers are now being broken down into their piece parts for sale and assembly on a customized basis. Either the Commission must demand system testing at the retail integrator level -- a condition currently existing and virtually unenforceable -- or it must provide for testing at the component

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[25] (...continued)
element it other similarly tested elements, including elements produced and tested by different manufacturers, without retesting of the system." (at 10-17 to 10-18).

[26] In Bulletin OST 52, "Interpretations of the FCC Rules for Computing Devices," (June, 1981), for example, the FCC recognized (at page 8) that "since many peripherals . . . are sold separately, it is unrealistic to expect the user, or the manufacturer of the computer to insure compliance of the computers with such separately sold peripherals. In order to obtain some control on the emissions form the system, we are requiring the peripheral manufacturer to measure his peripheral <u>when attached to at least one computer</u>." (emphasis added) And three years later, in updating its public bulletin on computing devices, and issuing OST Bulletin No. 62 (May, 1984) "Understanding the FCC Regulations Concerning Computing Devices", the Commission expressly recognized (at page 6) the role of the systems integrator "as any party who assembles computer systems comprised of computers and peripherals purchased from other companies. If each part of the system has been previously verified or certificated, further testing is not required."

level and accept untested integration of components by retailers. At least the latter approach will bring under the regulatory scheme an entire host of products that currently goes unregulated. While hardly a perfect solution, ITI continues to believe it is the best solution to the problem.

Moreover, ITI's proposed labelling scheme for Modular Computers -- which requires a separate notice on such products and thus creates a marketplace distinction for those retailer-integrated products that have not been tested as a whole device -- will introduce into the marketplace a new identity for these point-of-sale assembled devices that currently are unrecognized by consumers as having any different interference potential. If this new, unique labelling scheme is accompanied by an aggressive consumer education campaign and aggressive enforcement at the manufacturing and retail sales levels, the marketplace can, and will, become the strongest of regulators in favor of devices that have been shown, at one level or another, to meet FCC emissions limits.

Such a step can also assist in leveling the playing field among computers manufactured and tested as an integrated product and marketed at retail as such, and those devices manufactured and marketed from components, without any testing of the finished product at any level. By imposing a responsibility for designing and testing components to meet FCC emission limits, the burdens associated with such compliance should naturally flow

to the end personal computer device, whether it is one integrated by a manufacturer or by a retail integrator.

A plethora of computing devices are sold in the marketplace today -- many of which are assembled from components that have not been tested under any conditions, typical or otherwise -- without any cognizable incidents of interference. Improving the possibility of compliance by imposing requirements at the component level can only be a positive step for the industry.

D. Conclusion

The Commission has an extremely important opportunity to positively impact the computer industry by matching regulatory requirements to public interest objectives. For more than fifteen years, the Commission has utilized a prior approval process for personal computers, and the industry has borne the burdens associated with such process. The record of industry compliance and the absence of interference problems clearly warrants a relaxation of those requirements in favor of a self-certification process.

Adoption of the Declaration of Conformity approach discussed in ITI's initial comments, as expanded in response to the positive and constructive suggestions of others, will substantially benefit American consumers in the form of increased creativity and productivity from the computer industry. And such benefits should be obtained without any increase in the

potential for interference from computer products. ITI therefore urges expeditious adoption of the new regulations as outlined in the NPRM and ITI's responses thereto.

Respectfully submitted,

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July 5, 1995

APPENDIX A

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1. American Association for Laboratory Accreditation (A2LA)
2. American Radio Relay League Incorporated (ARRL)
3. Apple Computer, Inc. (Apple)
4. Association of Federal Communications Consulting Engineers (AFCCE)
5. The Association of Independent Scientific Engineering and Testing Firms (ACIL)
6. The Association for Maximum Service Television, Inc. (MSTV)
7. AT & T Corp. (AT&T)
8. Carl T. Jones Corporation
9. Coalition of Concerned of Independent Testing Laboratories (CCITL)
10. Communication Certification Laboratory (CCL)
11. Compaq Computer Corporation (Compaq)
12. Compliance Consulting Services (CCS)
13. Computing Technology Industry Association (CompTIA)
14. Consumer Electronics Group of the Electronic Industries Association (EIA/CEG)
15. Elite Electronic Engineering Company (Elite)
16. Gateway 2000, Inc. (Gateway)
17. Hewlett-Packard Company (HP)
18. Information Technology Association of Canada (ITAC)
19. Information Technology Industry Council (ITI)
20. Intel Corporation (Intel)
21. International Business Machines Corporation (IBM)
22. Motorola, Inc. (Motorola)
23. NEC Technologies, Inc. (NECTECH)
24. PCTEST Engineering Laboratory, Inc. (PCTEST Lab)
25. Retlif Testing Laboratories (Retlif)
26. Scientific-Atlanta, Inc. (Scientific-Atlanta)
27. Silicon Graphics, Inc. (SGI)
28. Richard Smith
29. Spirit Technologies, Inc. (Spirit)
30. Sony Electronics, Inc. (Sony)
31. Sun Microsystems, Inc. (Sun)
32. Texas Instruments Incorporated (Texas Instruments)
33. The Unisys Corporation (Unisys)
34. United States Department of Commerce, Office of European Union and Regional Affairs (Commerce)
35. Washington Laboratories, Ltd. (Washington Labs)

CERTIFICATE OF SERVICE

I, M. Jeanette Couch, a secretary in the law firm of Wilkinson, Barker, Knauer & Quinn, hereby certify that I have, this 5th day of July, 1995, served a copy of the foregoing "Reply Comments," by First-Class United States Mail, postage pre-paid to the following:

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